

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 4:09CR7-P-A

**MARSHA DEAN RUFFINS
DEONDRIA SHUNTA WINDER
TONY HAGGARD**

ORDER

This cause is before the Court on defendants' Motion for Continuance [43]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for December 7. Defense counsel avers that defendant Winder intends to plead guilty to Count One (the conspiracy count) of the Indictment. As a result, the government has raised the issue of a conflict of interest as regards defense counsel's continued representation of defendants Ruffins and Haggard. Furthermore, because of the government's concerns, defense counsel has complied with the government's "no contact" request and counsel has, therefore, refrained from meeting with defendants Ruffin and Haggard to engage in necessary trial preparation. Accordingly, a continuance is sought to permit the Court to hold a hearing to determine the propriety of counsel's continued joint representation of the defendants herein. The government does not oppose the relief sought in the instant motion. Based on the foregoing, the Court finds that the defendants' Motion for Continuance is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. §

3161(h)(7)(A), the period of delay from December 7, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to allow the Court to resolve the conflict of interest issue identified infra. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendants in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendants' Motion for Continuance [43] is GRANTED;
2. That the trial of this matter is continued as to all defendants until Monday, February 8, 2010 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from December 7, 2009 until February 8, 2010 is excluded as set out above;
4. That the deadline for filing pretrial motions is January 19, 2010;
5. That the deadline for submitting a plea agreement is January 25, 2010.

SO ORDERED, this the 4th day of December, 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE